

May 2, 2007 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

07AN0289

Glenn E. and Heidi L. Hayes

Bermuda Magisterial District
3310 Grove Avenue

REQUEST: A nineteen (19) foot Variance to the eighty (80) foot front yard setback requirement for a proposed garage in a Residential (R-15) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which this request is based that are unique to the property and are not applicable generally to other properties in the area.
- B. The Variance is not in accord with the spirit and intent of the Zoning Ordinance.
- C. There are alternatives to this request.

GENERAL INFORMATION

Location:

Property is known as 3310 Grove Avenue. Tax ID 793-657-6433 (Sheet 26).

Existing Zoning:

R-15

Size:

1.028 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-15; Residential and vacant

South - R-15; Residential

East - R-15; Residential

West - R-15; Residential

Utilities:

Public water and sewer

General Plan:

(Chester Village Plan)

Residential
(2.5 units per acre or less)

DISCUSSION

The applicants are proposing to construct a thirty-six (36) foot by twenty-eight (28) foot (1,008 square feet) garage. The applicants have indicated the proposed garage will be located sixty-one (61) feet from the front property line. The Zoning Ordinance requires an eighty (80) foot front yard setback requirement for accessory buildings in a Residential (R-15) District. Therefore, the applicants request a nineteen (19) foot Variance (see attached plat).

The applicants provide the following justification in support of this request:

We would like to build a thirty-six (36) foot by twenty-eight (28) foot garage for personal use such as storage, boat and car parking and a workshop. We are unable to build the garage in any other area of our property due to an extreme drop in elevation along the northeast side of the property and no realistic access to the west side of property.

The subject property is located off the northwest line of Grove Avenue and consists of 1.028 acres and is zoned Residential (R-15). The subject property is located in the Chester Heights Subdivision which was recorded on December 2, 1986. The County Assessor's records indicate the applicants have owned the subject property since May 3, 2006.

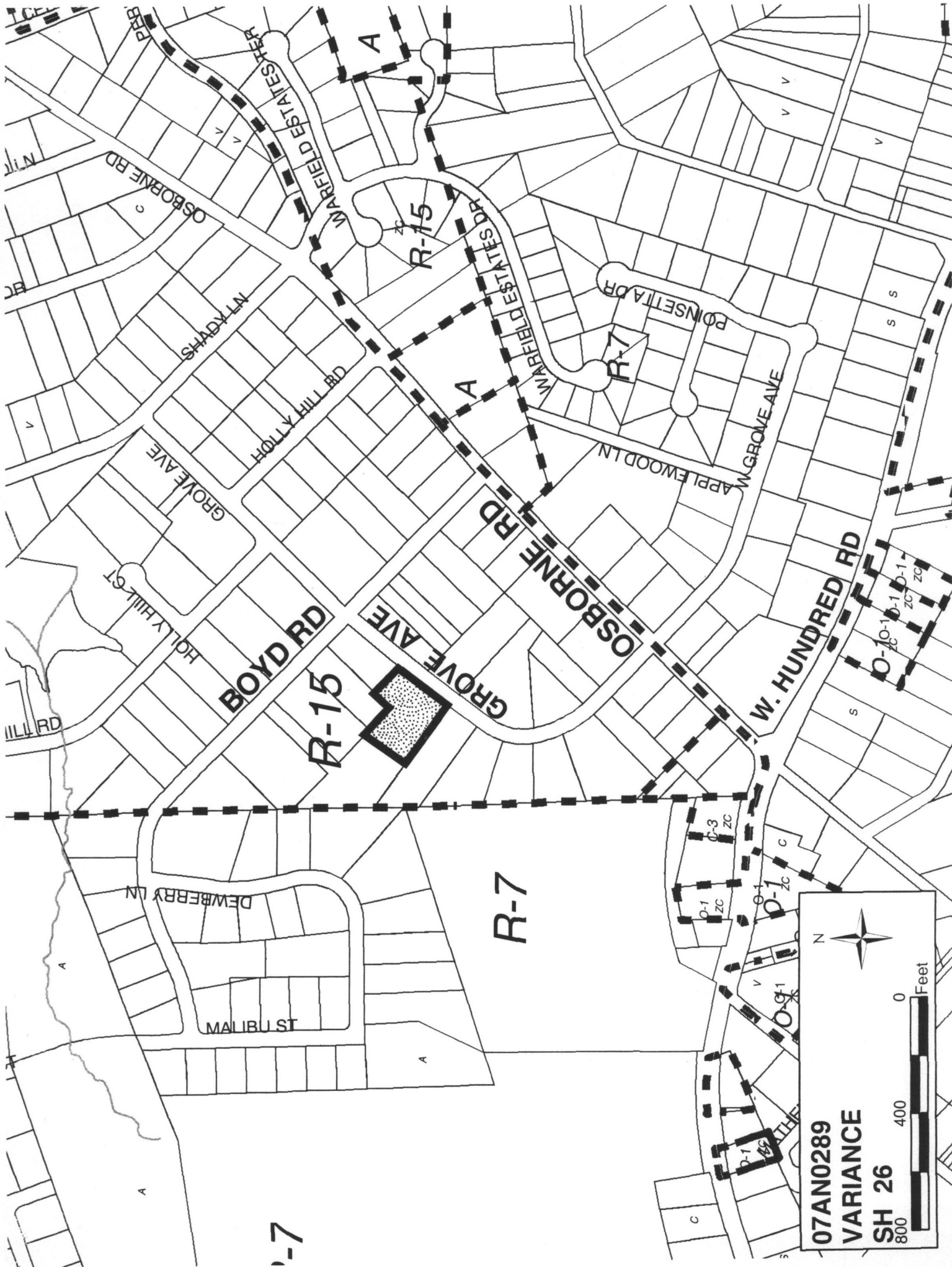
Staff's field inspection revealed a detached one (1) car garage located to the right of the single family dwelling. The applicants have indicated they would like to construct another garage thirty-six (36) foot by twenty-eight (28) foot to the right of the existing garage. The applicants submitted a plat which shows that the proposed garage is located at an angle, adjacent to the existing garage. Although staff's field inspection revealed the subject property slopes off in the rear and right side (see topographic map), staff believes the topography of the property does not restrict the applicants' ability to meet the setbacks.

Staff has reviewed the attached site plan and the applicants' proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to the required setbacks. Therefore, the test for Variances as specified in the Zoning Ordinance (Section 19-21 (b)) has not been met. In addition, it is staff's opinion that alternatives exist to the request. Staff believes the proposed accessory building could be redesigned or relocated on the property where it would meet setbacks and eliminate the need for this request.

Staff believes denial of this request will not interfere with all reasonable beneficial use of the subject property. A single family dwelling and a detached garage already exist on the property.

The Zoning Ordinance clearly states a Variance cannot be granted unless the applicants would be effectively prohibited or unreasonably restrict the use of their property. Therefore, staff cannot support this request.

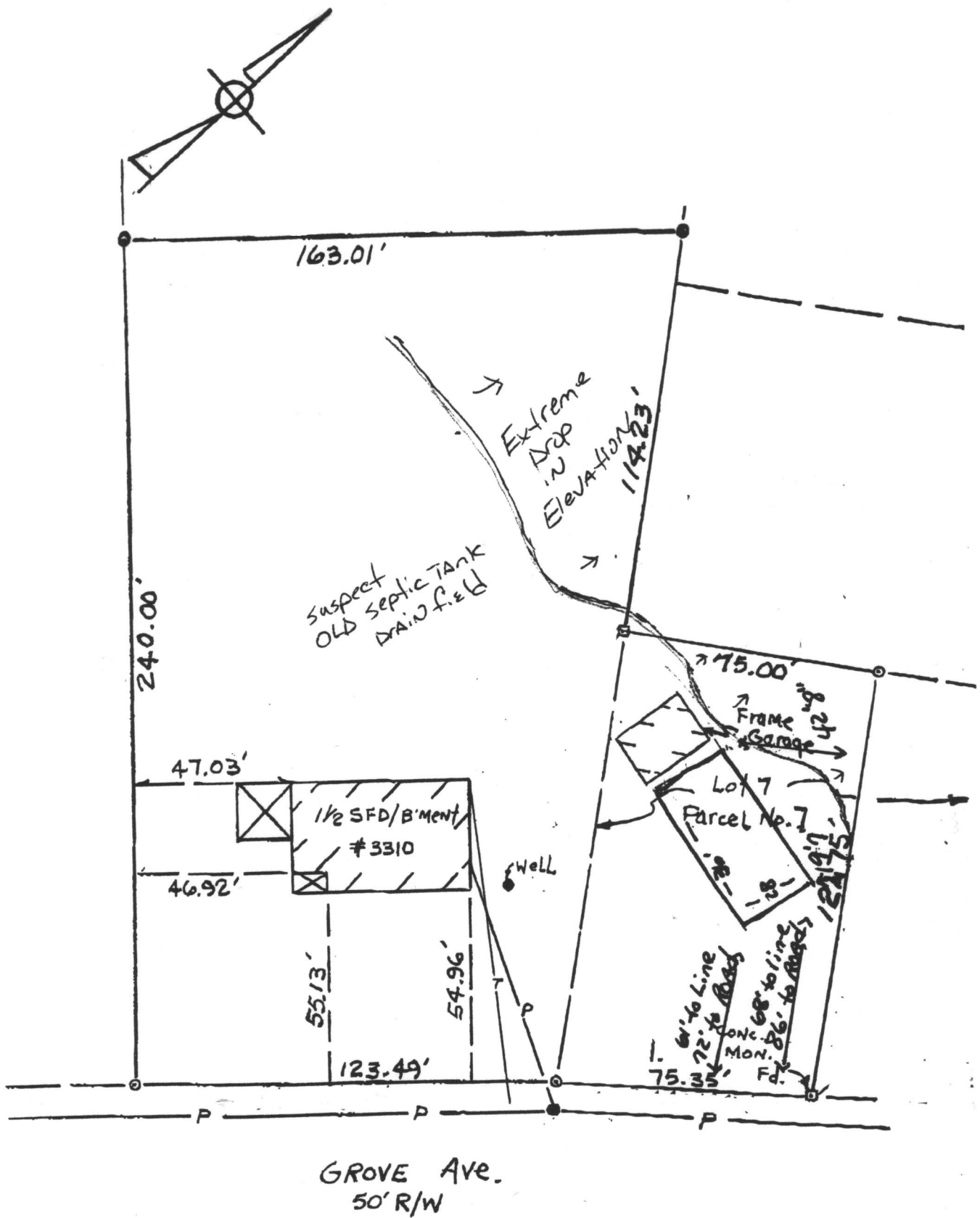
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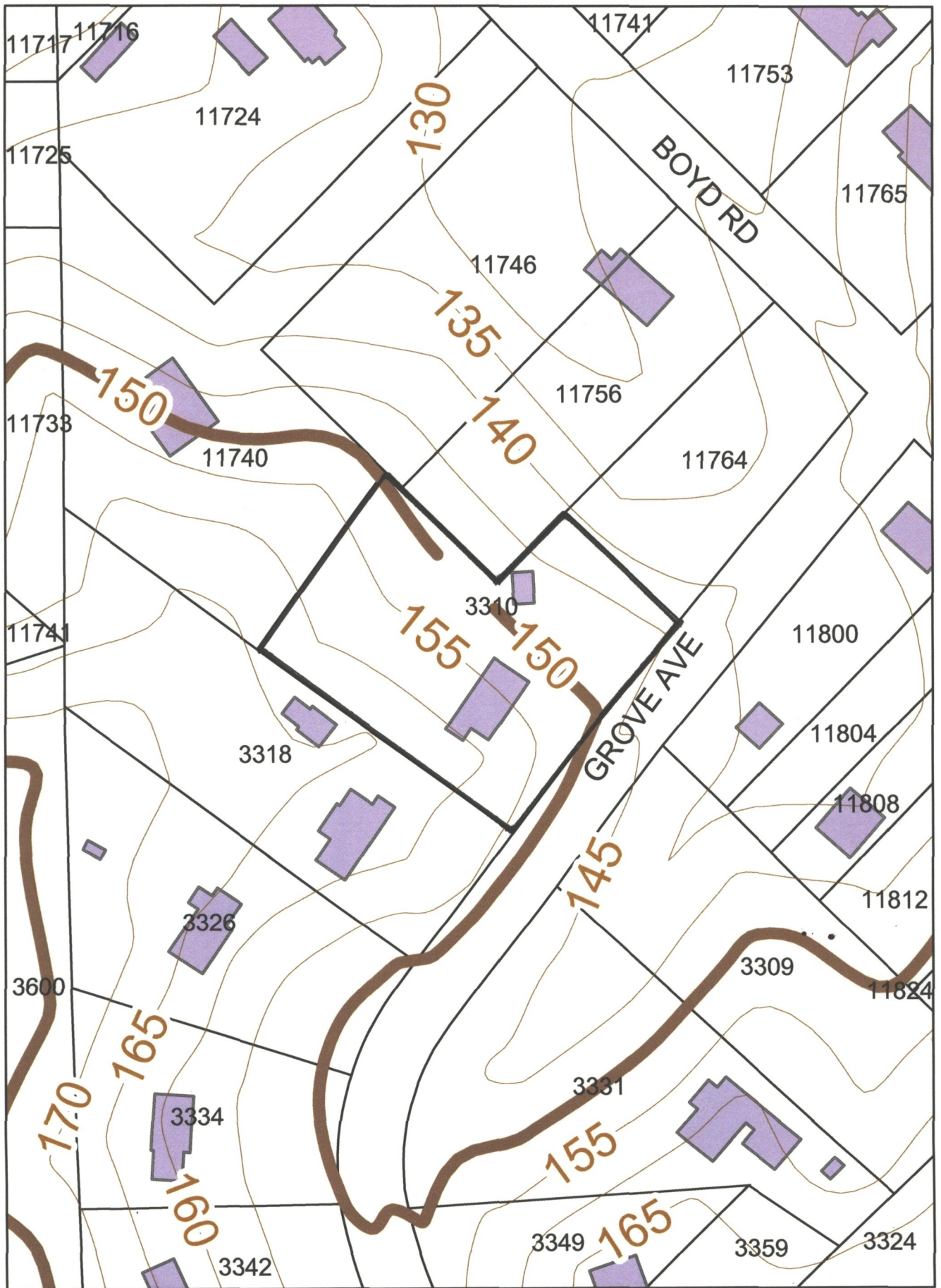
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07AN0289-3